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England. - Parliament. [Bills. - II George II]

A BILL for repairing the Road from Wallingford in the County of Berks, through Wantage, to Faringdon in the said County.

Read 13 Dec
1751

Enacted 25
Geo II Public Acts,
c 21



WHEREAS the high Road leading from Wallingford in the County of Berks to Wantage, and from thence to Faringdon in the said County, is in divers Places so bad and ruinous, especially in the Winter Season, that Travellers cannot pass without great Danger, and the said Road cannot by the ordinary Course provided by the Laws for repairing the Highways of this Kingdom be effectually amended and kept in good Repair, unless some Provision be made for raising Money to be applied for that Purpose: For remedy whereof and to the intent that the said Road may with all convenient speed be effectually amended and hereafter kept in good and sufficient Repair, so that all Persons may travel through the same with Safety;

May it please Your MAJESTY,

that it may be enacted, and be it enacted by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the Authority of the same, that

Trustees
Names.

Trustees may
erect Turn-
pikes and
Toll-houses,
&c.

shall be and they are hereby nominated and appointed Trustees for surveying, ordering, amending and keeping in repair the said Road, and likewise for putting in Execution all other the Powers in and by this Act given; and that they and the Survivors of them, or any such Person or Persons as they, or any or more of them, shall authorize and appoint, shall and may build or erect, or cause to be built or erected, a Gate or Gates, Turnpike or Turnpikes, in or cross any part or parts of the said Road, and also a Toll-house or Toll-houses in or upon the same; and shall demand and take the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same, that is to say;



Tolls vested in
Trustees.

Which said respective Sum and Sums of Money shall be demanded and taken in the name of, or as a Toll or Duty; and the Money so to be raised and collected shall be and is hereby vested in the said Trustees; and the same and every part thereof shall be paid, applied, disposed of, and assigned to and for the amending and keeping in repair the Road aforesaid, and to and for the several Uses, Intents, and Purposes, and in such manner as is herein after-mentioned and directed: And that it shall and may be lawful to and for the said Trustees or any or more of them, or any such Person or Persons as they or any or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable, to levy the same upon any such Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay such Tolls and Duties as aforesaid, by

Tolls to be
levied by dis-
tress and Sale.

of any Horse or Horses, or other Cattle or Goods, upon which such Tolls and Duties are by this Act imposed, or by of any other of the Goods and Chattles of such Person or Persons who ought to pay the same; and to such Goods and Chattles so until such

such Tolls or Duties, with the reasonable Charges of such
shall be paid : And such Person or Persons so after
the Space of after such made and taken, shall and
may the Goods so returning the Overplus (if any there be)
upon Demand, to the Owner thereof, after such Tolls, Duties, and rea-
sonable Charges for shall be deducted
and paid.

Provided always, and it is hereby further enacted and declared by the
Authority aforesaid, That no Gate or Gates, Turnpike or Turnpikes shall
be erected within less than of *Wallingford, Wantage, or*
Faringdon in the said County.

No Gate to
be erected
within two
Miles of *Wal-
lingford,
Wantage, or
Faringdon.*

Provided also, and be it further enacted, That no Person or Persons,
other than the Mayor and Recorder of the Borough and Corporation of
Wallingford for the time being, shall be capable of acting as a Trustee
in any case in the execution of this Act, unless he shall be in his own
right or in the right of his Wife, in the actual Possession and Enjoyment
or Receipts of the Rents and Profits of Lands, Tenements or Hereditaments,
of the clear yearly Value of above Reprizes, or shall be

Qualification
of Trustees.

Heir apparent to some Person or Persons, having an Estate of the yearly Va-
lue of and if any Person or Persons, so made incapable
to act for the Causes aforesaid, shall nevertheless presume to act contrary to
the true intent and meaning of this Act, every such Person or Persons for
such Offence or Offences, shall forfeit and pay the Sum of
to any Person or Persons that will inform or sue for the same ; to be re-
covered in any of his Majesty's Courts of Record, by Action of Debt, or
on the Case, Bill, Suit or Information ; wherein no Essoin, Protection, or
Wager of Law, or more than one Imparlance shall be allowed.

Penalty on
acting if not
qualified.

Provided always, and it is hereby further enacted and declared, That
during the continuance of this Act, all Coaches, Berlins, Landaus, Cha-
riots, Chaises, Calashes, Chairs or Litters, and Passengers on Horseback,
shall pass and repass Toll-free on the Day or Days on which there shall be
an Election or Elections of a Knight or Knights of the Shire to serve in
Parliament for the said County of *Berks*, such Coaches, Berlins, Landaus,
Chariots, Chaises, Calashes, Chairs, Litters, or Passengers, going to, or
returning from any such Election or Elections, any thing herein contained
to the contrary notwithstanding.

No Tolls on
Election
Days.

And be it further enacted, by the Authority aforesaid, That out of the
first Money arising by the Tolls and Duties, which shall be collected at the
several Turnpikes so to be erected on the Road aforesaid, or out of such
Money which shall be borrowed on the Credit thereof, the Trustees for
repairing the said Road directed to be amended, or any or more of
them shall, in the first Place, pay and discharge all the Expences and
Charges of procuring and passing this Act of Parliament, and of putting
up and erecting such Turnpikes and Toll-houses as they shall think proper
on the said Road ; and that from and after paying the said Expences and
Charges, then and from thenceforth, the Money arising by the Tolls and
Duties which shall be collected at any Turnpike or Turnpikes which shall
be then or hereafter erected or set up on the said Road, shall be laid out
and applied for and towards the repairing or widening of the said Road,
and other necessary Charges attending such Repairs, and to no other Use or
purpose whatsoever.

Application
of the Monies.

And be it further enacted, by the Authority aforesaid, That if any Per-
son or Persons whatsoever owning, renting, or occupying any Lands or other
premises, near any Turnpike which shall be erected in pursuance of this
Act,

Penalties on
Persons per-
mitting or go-
ing through
private
Grounds to
avoid the
Tolls.

Act, shall knowingly or wittingly permit or suffer any Person or Persons to pass over the same, or through any Gate, Passage or Way, with any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any other sort of Carriage or Cattle whereby the Payment of the Toll or Duty by this Act laid is or shall be avoided, every such Person or Persons so offending, and the Person or Persons riding in, driving or owning such Coach, Chariot, Landau, Berlin, Chaise, Calash, Waggon, Wain, Cart, Carriage or Cattle, or owning riding or driving such Horse, Mule or Ass, and being thereof convicted upon Oath before the said Trustees, or any or more of them, (which Oath the said Trustees, or any or more of them, are hereby impowered to administer) or before any one or more Justice or Justices of the Peace for the County or Division, wherein such Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered to administer) shall for every such Offence respectively the said Trustees hereby authorised to put this Act in execution, or to their Treasurer or Treasurers for the time being, the Sum of which Sum, in case the same be not forthwith paid, shall be

of the Offenders Goods, by a Warrant under the Hand and Seal or Hands and Seals of the said Trustees, or any or more of them, or the said Justice or Justices, rendering the Overplus to the Owner (if any be) on demand, after deducting the reasonable Charges of making such to be settled by the said Trustees, or any more of them, or by the said Justice or Justices.

Penalty on Persons unloading Goods, or taking off Horses, &c. to avoid Payment of the Tolls.

And be it further enacted, by the Authority aforesaid, That if any Person or Persons shall at any time during the continuance of this Act, unload or cause to be unladen any sort of Goods or Merchandizes, or take off or cause to be taken off, any Horse or Horses, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Horse or Litter, or any Horse or Horses, Ox or Oxen, or any other Cattle from any Waggon, Wain, Cart or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an intent to avoid paying the Tolls or Duties hereby imposed; or shall conceal or secrete any Goods or other things chargeable with any the Tolls aforesaid; or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Horse, Litter, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding, Mare, or any other Cattle chargeable with or liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending in any of the Cases aforesaid, and being thereof convicted upon Oath before the said Trustees, or any or more of them, or before one or more Justice or Justices of the Peace for the said County or Division, wherein such Offence shall be committed (which Oath the said Trustees, or any or more of them, or the said Justice or Justices is and are hereby impowered and required to administer) shall forfeit the Sum of and shall pay the same to the Trustees appointed or to be appointed to put this Act in Execution, or to their Treasurer or Treasurers for the time being; which Sum, in case the same be not forthwith paid, shall be

Trustees may erect Turnpikes on the Side of the Road, &c.

And be it further enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any or more of them to erect or cause to be erected one or more Gate or Gates, Turnpike Turnpikes on the Side or Sides of the said Road, and cross any Lane or Way leading out of the same, and there to take and receive such Tolls

are by this Act granted and made payable, so as the same do not extend to a double Charge in Case of passing through any other of the Turnpikes, which shall be erected by Virtue of this Act.

And be it further **Enacted** by the Authority aforesaid, That the said Trustees or any or more of them present, at their or any succeeding Meeting, by any Writing or Writings under their Hands and Seals, shall and may choose, and appoint one or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls and Duties aforesaid; and such other Officer or Officers, as the said Trustees, or any or more of them, shall think necessary; and also one or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same are repaired; And also that the Money by this Act raised be duly applied; and from time to time to remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones, in Case of Death or such Removal: And such Person or Persons, as is or are hereby made liable to pay the said Tolls or Duties, shall pay the same after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall from time to time be appointed for that Purpose; and the Person or Persons so appointed to collect and receive the said Tolls and Duties, and also such Surveyor or Surveyors so appointed as aforesaid, shall (upon Oath, or being of the People called Quakers, upon their solemn Affirmation, by Law appointed for such, if thereunto required by the said Trustees, or any or more of them, or before any one or more Justice or Justices of the Peace residing near to the said Road, in the County of *Berks*, which Oath or Affirmation such Trustees, or any or more of them, or such Justice or Justices of the Peace, is and are hereby impowered and required to administer or tender, for which Oath or Affirmation, no Fee or Reward shall be taken, and the same may be taken in Writing without any Stamp thereupon) in every Month, or oftener, if required, during the Continuance of this Act, give in to the said Trustees, or any or more of them, or to their said Treasurer or Treasurers for the time being, a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he, she, or they, and every or any of them, shall to such time have received, paid and disbursed, by Virtue of this Act, or by Reason of their respective Offices: And in Case any Money so received shall remain in his, her, or their, or any of their Hands, the same shall be paid to the said Trustees, or any or more of them, or to such Person or Persons as they, or any or more of them, shall by any Writing or Writings under their Hands authorize and impower to receive the same, or to the said Treasurer or Treasurers for the time being; and shall be disbursed and laid out in amending the said Road, according to the true Intent and Meaning of this Act, and not otherwise; and in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Tolls or Duties, so to be paid as aforesaid, Surveyor or Surveyors, or any of them, shall not give and make such Account and Payment as aforesaid, that then the said Trustees, or any or more of them, or any or more Justices of the Peace for the said County shall and may make Inquiry of and concerning such Default as aforesaid, in a summary way, as well by Confession of the Parties themselves, as by the Testimony of one or more credible Witnesses or Witnesses, upon Oath (which Oath the said Trustees, or any

Trustees to
nominate Of-
ficers, &c.

And may re-
move them.
and appoint
new ones, &c.

Officers not
making Ac-
count and
Payment.

or more of them, or the said Justices, are hereby impowered and required to administer without Fee or Reward) and if any such Person or Persons shall be thereof convicted by the said Trustees, or any of them, or by such Justices, they shall upon such Conviction the Party or Parties to

To be committed, &c.

she, or they shall have made a perfect Account and Payment as aforesaid, or until he, she, or they shall have compounded and agreed with such Trustees, and have paid such Composition to the said Treasurer or Treasurers for the time being; which Composition the said Trustees, or any

Trustees to allow Officers Salaries.

or more of them, at any Meeting assembled, are hereby authorized and impowered to make, and the said Trustees, or any or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the said Treasurer or Treasurers Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, Clerk or Clerks, and other Officer or Officers by the said Trustees or any or more of them, so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken, in the Execution of his and their said respective Office or Offices, and to such other Person or Persons as have been assisting in and about procuring the said Road to be amended and repaired, by advancing or laying out any Money, or otherwise relating thereunto, as the said Trustees, or any or more of them, shall seem good.

Surveyors may dig Gravel in waste Grounds, &c.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he and they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River, or Brook, Waste, or Common of any Parish, Town, Village, or Hamlet in the said County of *Berks*, proper and convenient for repairing and amending of the said Road; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials there, to dig, gather, take, and carry away the same, in and out of any River, Brook, Waste, or Common of any neighbouring Parish, Town, Village, or Hamlet in any other County without paying any thing for the same, such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits, where any such Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be taken away; and where there is not sufficient Materials in any such Rivers, Brooks, Commons, or waste Grounds as aforesaid, or where such Rivers, Brooks, Commons, or waste Grounds do not lie within the Space of

Without paying for the same; levelling the Pits.

And where there is not sufficient of such Materials to be had there, they may be taken from private Grounds.

Parts of the said Road as are to be amended; it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any piece or parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery for Trees) where such Materials are or may be found, and from time to time to carry away the same, or so much thereof as the said Surveyor or Surveyors in their respective Places, shall judge necessary, for repairing and amending the Road aforesaid, paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Grounds, where and from whence the same shall be digged, gathered or carried away, or over which the same shall be carried

Making Satisfaction to the Owners.

the said Trustees appointed, or to be appointed for repairing the said Road, or any or more of them, shall adjudge reasonable; and in Case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace, at their next General Quarter-Sessions, or at the second General Quarter-Sessions at the farthest, to be holden in and for the said County or the part of them then present, where and from whence such Materials shall be digged, gathered, or carried away, or where such Damage shall be done as aforesaid, shall and may adjudge, assess, and finally determine the same; and order the same to be paid by the Treasurer or Treasurers for the time being, out of the Money arising by the said Tolls.

Justices to determine Differences.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors; and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any or more of them, under their Hands) from time to time, to remove and prevent all Annoyances on, or in any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish; or otherwise to turn any Water-Courses, Sinks or Drains, running into, along, or out of the said Road, to the Prejudice thereof; and to open, scour, or cleanse any Water-course, or Water-courses, Ditch or Ditches, adjoining to the said Road; and make the same as deep and large as they shall think proper and necessary, and to cut down, lop or top, any Trees, Shrubs or Bushes, (Timber Trees excepted) growing in the said Road, or in the Hedges or Banks adjoining thereto, and to take and carry away the same in Case the Owners and Occupiers of the Premises, where such Annoyances shall happen to be, or such Person or Persons as shall have occasioned the same, shall neglect to remove the same, or to cut down and carry away such Trees (excepting as before excepted) Shrubs or Bushes, as aforesaid; or to open, scour, and cleanse their Water-course, or Water-courses, Ditch or Ditches, as aforesaid, within the Space of next after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any or more of them; the Charges whereof to be settled by the said Trustees, or any or more of them, by writing under their Hands shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees, Shrubs or Bushes, or by the Person or Persons occasioning the same, neglecting or refusing to remove such other Annoyances, as aforesaid; and in Case such Owners or Occupiers, or the Person or Persons occasioning the same as aforesaid, shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any or more of them, or one or more Justice or Justices for the said County, wherein such Owners or Occupiers shall reside; (which Warrant or Warrants the said Justice or Justices are hereby impowered and required to grant) from time to time, to the said Charge by of the Goods of the Person so offending as aforesaid, and returning the Overplus thereof (if any be) after deducting the reasonable Charges of making such to the Person or Persons whose Goods and Chattels shall be so as aforesaid; and if after the Removal of the said Annoyances, any Person or Persons shall again offend in the like kind, every such Person or Persons so offending, and being thereof convicted,

Surveyors may remove Annoyances, &c.

Charges to be reimbursed to the Surveyors.

And to be levied by Distress and Sale.

Persons convicted of a second Offence to forfeit 20s.

victed, upon Oath, before the said Trustees, or any them, or any one or more Justice or Justices of the Peace for the said County where such Offence shall be committed, shall for every such Offence demand unto the said Trustees, or any or their Treasurer for the time being; and in Case of refusal, the same, with reasonable Charges, shall be

Surveyors may make Causeways, and cut Drains, &c.

And widen the narrow Parts of the Road.

And make Ditches, &c.

Making Satisfaction to the Owners.

Justices to determine Differences.

Justices may purchase Land, and turn the Road.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint by order of the said Trustees, or any or more of them, to make, or cause to be made, a Causeway, or Causeways, and to cut and make Ditches and Drains through any Grounds lying contiguous to the said Road, and to make or erect Bridges or Arches of Brick, Timber, or Stone, upon the said Road, and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (not being the Ground whereon any House or Houses, or Buildings stand, or Garden, or Orchard, planted Walk, or Avenue to any House already planted or any piece or parcel of inclosed Ground, planted, set apart and used as a Plantation or Nursery for Trees, and also to cause Ditches or Trenches to be made in such manner, as such Surveyor or Surveyors, by order of the said Trustees, or any or more of them, shall adjudge necessary for the better amending and keeping the Road aforesaid in good repair; and also to make, or cause to be made, a Road or Way through, over, and along the adjoining Grounds of any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being the Grounds whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, or planted Walk, or Walks, or Avenue to any House, or any piece or parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old narrow or ruinous Road is repairing, and 'till such time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road, intended to be repaired; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, as shall be so laid in or unto the said Road, or through which any such Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges shall be made, or through, over, and along which such Road or Roads shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any or more of them; and in Case any Differences shall happen between such Owners or Occupiers, and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter-Sessions of the Peace, or at their second Quarter-Sessions at the farthest, to be holden for the said County, to hear, settle, adjudge, and finally to determine the same.

And be it further Enacted by the Authority aforesaid, That in Case the said Trustees appointed or to be appointed to put this Act in execution or any or more of them, shall from time to time think proper to widen, turn, or alter the Way or Path, or any Part of the said Road hereby directed to be repaired, for the better accommodation of Coaches, Carriages, and

and Passengers, that then it shall and may be lawful to and for the said Trustees, or any or more of them, and they are hereby authorized and impowered, from time to time, to treat for, purchase, contract, and agree with any Person or Persons, Bodies Politick, Corporate, or Collegiate, that are or shall be Owners, Proprietors, or Occupiers of, or interested in, any Lands or Grounds, Tenements or Hereditaments, or for the Loss and Damage, which they, or any of them, shall or may any ways receive by such widening, turning, or altering the said Road; and thereupon, and upon payment of such Sum or Sums of Money so agreed upon accordingly, it shall and may be lawful for the said Trustees, or any or more of them, to take in

and add the said Ground or Lands so contracted or agreed for to the said Road, and to do, or cause to be done, all things necessary in order thereto.

And whereas it may happen that some Persons or Bodies Politick, Corporate, or Collegiate Feoffees in trust, or others who are seized of some Lands or Grounds, Tenements or Hereditaments, which, according to the Powers given by this Act, may be necessary or proper to be taken in, added to, or made Part of the said Road, may be willing to treat and agree to sell such Lands and Grounds, Tenements and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, and conveying the same, by reason of Infancy or other disability; Be it therefore **Enacted**

by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in trust, Executors, Administrators, Guardians, or Trustees whatsoever, for or on behalf of any Infants, Femmes Covert, or Cestuique Trusts, and for all and every Person or Persons whatsoever, who are or shall be seized, possessed of, or interested in any such Lands or Grounds, Tenements, or Hereditaments, to treat, contract, and agree with the said Trustees, or any or more of them, for

Satisfaction to be made them respectively, for such their Lands, Grounds, Tenements, or Hereditaments or any Part thereof, or their Interest therein for the Purposes aforesaid, and to sell or convey the same as occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; And that all Feoffees in trust, Executors, Administrators, Guardians and Trustees, Corporations Aggregate and Sole, and all other Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and the said Trustees, or any or more of them, are

hereby authorized and impowered to pay for such Lands and Grounds out of the Tolls and Duties by this Act granted, or out of such Money as shall be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners and Proprietors, and the said Trustees impowered to put this Act in execution or any

or more of them; and after the said Lands and Grounds, Tenements and Hereditaments, shall be so laid into and made Part of the said Road, the same shall not only during the continuance of this Act, but shall for ever hereafter, to all Intents and Purposes, be esteemed and taken as publick Highways, and shall be amended and kept in good repair by the Laws in being; and after such Purchase as aforesaid, and such new Road shall be made and compleated, the Lands and Grounds comprized in or through which the old or former Road did lead as aforesaid, shall or may be sold or disposed of by the said Trustees or any or more

Trustees may purchase Lands, &c. of Bodies Politick or Corporate, &c.

Old Road
may be sold,

And the Mo-
ney to be ap-
plied in the
repairs of the
Road.

Tolls may be
assigned for
Money bor-
rowed.

FourteenDays
Notice thereof
to be given.

Trustees may
lease out the
Tolls.

Assignments
to be entred
at length in a
Book.

more of them, to such Person or Persons as shall be willing to become Purchasers thereof, for the best price that can be reasonably had or gotten for the same; and the Money arising by such Sale, shall be applied and disposed of for the repairing and amending of the said Road within the said County wherein such new Roads shall be purchased as aforesaid; such Conveyance to be made of the said Lands and Grounds comprized in the said old Road, being executed by the said Trustees, or any or more of them, and inrolled with the Clerk of the Peace for the said County in which the said Lands and Grounds comprized in the said old Roads do lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

And forasmuch as the Money so to be collected by the Receipts of the Tolls and Duties by this Act laid and made payable as aforesaid, will not at present be sufficient for the speedy repairing of the said Roads;

Be it further Enacted by the Authority aforesaid, That the said Trustees, or any or more of them, shall, may, and are hereby impowered, from time to time, by any Writing or Writings, without any Stamp to be impressed thereon, under their Hands and Seals, to assign over the said Tolls or Duties arising by virtue of this Act, or any part thereof (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties) for any Time or Term during the continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with such Interest as shall be agreed upon, not exceeding *Annum*; which said Money, so to be borrowed, shall be applied, in the first place to pay off the Charges and Expences of obtaining this Act of Parliament, and then shall be applied and disposed of as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls to be collected after unless notice be for that purpose fixed in writing, under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpike Gate or Gates erected, or to be erected, by virtue of this Act, at least Days before the borrowing such Money.

And be it further Enacted, by the Authority aforesaid, That from and after the Day of it shall and may be lawful to and for the said Trustees, or any of them at any General Meeting to lease and demise the said Tolls and Duties granted by this Act, for any term of Years, not exceeding Years at and under such Rent, payable at such Times, and under such Covenants as the said Trustees, or any of them shall think fit, the said Trustees taking such sufficient Security from such Person or Persons, to whom such Tolls or Duties shall be leased and demised for payment of such Rents or performance of the said Covenants, as the said Trustees, or any of them shall think fit.

And be it further Enacted, by the Authority aforesaid, That all and every the Assignment and Assignments, Lease, and Leases, so to be made and granted by the said Trustees as aforesaid, shall be entered at length in a Book or Books to be kept for that purpose, by the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, which said Book or Books may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

And it is also further **Enacted** by the Authority aforesaid, That all Assignments may be transferred, and the manner of doing so.
 and every Person or Persons, to whom any Assignment or Assignments shall be made by the said Trustees, or any or more of them, as a Security for any Sum or Sums of Money, by him, her, or them, lent and advanced on the Credit ; and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may from time to time, by proper Words of Assignment, to be indorsed on the back of his, her, or their Security or Securities, or by any other Writings, under his, her, or their Hands and Seals, to be duly executed in the presence of or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest or Benefit to the principal and interest Money thereby secured, or any part thereof, to any other Person or Persons whomsoever ; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any or more of them, within after the Date thereof,

who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned, to be transferred in the said Book or Books to be kept for entering the said Original Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of and no more ; and after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee may in like manner assign again, and so *toties quoties* ; and it shall not be in the power of such Person or Persons, who shall make such Assignment, to make void, release, and discharge the same, or any Monies thereby due, or any part thereof.

Provided always, and it is hereby **Enacted** by the Authority aforesaid, That no Person or Persons, having occasion to pass through any Turnpike or Turnpikes, where the Tolls or Duties are or shall be taken, and who shall go or return the same Day, through the same or any other Turnpike or Turnpikes on the said Road before

with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Horse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any other sort of Cattle for which such Tolls or Duties have been paid, shall be liable or compelled the same Day to pay the said Tolls or Duties more than on the said Road.

And for preventing the committing of Frauds and Abuses in the said Tolls and Duties hereby granted, Be it further **Enacted** by the Authority aforesaid, That if any Person or Persons, having paid the Tolls and Duties by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the payment of such Tolls or Duties, shall give, or dispose of the same to any Person or Persons, in order to avoid the payment of the said Tolls or Duties ; every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being thereof convicted upon Oath, before the said Trustees, or any or more of them, or before one or more Justice or Justices of the Peace for the said County, (which Oath the said Trustees, or any or more of them, or the said Justice or Justices, is, and are hereby empowered and required to administer) shall

Tolls to be paid but once a Day.

Penalty on Persons disposing, or receiving Tickets, to avoid payment of Tolls.

Provided

Persons and
Things
exempted
from Toll.

Provided always, and it is hereby declared, That no Person or Person shall be charged with any of the Tolls or Duties aforesaid, passing through any of the Turnpikes to be erected by this Act, and carrying any Quantity of Stones, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for amending any of the Highways in the Parishes or Townships in which the said Road directed by this Act to be repaired doth lie, or going for, or returning through any of the said Turnpikes with any Lime, Dung, Mould, Manure or Compost of any Nature or Kind whatsoever, to be laid upon Grounds, Arable, Meadow, or Pasture, or Gardens; nor shall any Toll or Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggon, or other Carriage carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns or Yards, or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, through which the said Road hereby intended to be repaired doth lead; or for any Ploughs, Harrows or other Implements of Husbandry; or any other things whatsoever, belonging to, or employed by such Inhabitants respectively only in Husbandry, manuring or stocking of Lands lying within such Parishes, Townships, or Places adjoining to the said Road; nor shall any of the Tolls or Duties aforesaid be demanded or taken from any Person or Persons residing in the said Parishes, Townships or Hamlets, in which the said Road hereby directed to be repaired doth lie, who shall pass through the said Turnpikes or Cross Gates, to or from their own Parish Church, Chapel, or other nearest Place of religious Worship on *Sundays*, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; or for any Horses, Geldings, Mares, or other Cattle going to, or returning from Pasture or watering Places, belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near to the said Road; or for any Post-Horses carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggon attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Carriages, travelling with Vagrants sent by legal Passes, passing or repassing through all or any of the Turnpikes or Toll-bars, which shall be erected or set up in the said Road, in respect of their passing through such Turnpike or Turnpikes, Toll-bar or Toll-bars; any thing herein contained to the contrary notwithstanding.

Turnpikes
and Toll-
houses vested
in the
Trustees.

And be it further enacted, by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built upon the said Road by virtue of this Act, shall be vested in the said Trustees, appointed or to be appointed to put this Act in Execution, and that they, or any or more of them, are hereby authorised and empowered to dispose thereof as they shall think proper; or to bring Actions, or to prefer Bills of Indictment in their Names, or in the Name of the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being, against any Person or Persons who shall steal, take away, break down, or spoil such Turnpikes or Toll-houses, or any or either of them, so erected and built as aforesaid.

Trustees may
lessen the
Tolls.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any or more of them, are hereby authorised and empowered, from time to time, to vary or alter the several Tolls and Duties hereby granted and made payable; and to order and direct the same to be collected, received, and taken, in such Manner, Parts and Proportions, as they shall think fit, so that the said Tolls and Duties

Duties so from time to time varied and altered shall never exceed the Tolls and Duties granted in and by this Act, any thing herein contained to the contrary notwithstanding.

Provided also and be it further enacted by the Authority aforesaid, That where any particular Part or Parts of the said Road, or any Bridges, Drains and Sewers, being in and upon the said Road hereby intended to be repaired, and which have been accustomed, or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County or Township therein, or otherwise whatsoever, all and every such Part or Parts of the said Road, Bridges, Drains, or Sewers, so lying in and upon the said Road, shall from time to time be maintained and kept in repair by such Person or Persons, Body Corporate or Politick, and in such manner as the same were respectively maintained and kept in repair before the passing of this Act.

Persons chargeable by reason of Tenure to continue so.

And for preventing Differences which may arise between the said Trustees, and the Person or Persons, Body Politick or Corporate, County, Township, or Place therein, touching where, how, and in what manner such particular Part or Parts of the said Road, or the Bridges, Drains, and Sewers, lying in and upon the same, are or ought to be repaired and maintained as aforesaid.

Be it further enacted, by the Authority aforesaid, That in case any such Difference shall arise as aforesaid, it shall and may be lawful for the Justices of the Peace for the said County, and they are hereby required and impowered at their petty or special Sessions, upon Application to them made by the said Trustees, or any or more of them, or their Clerk or Clerks for the time being, to adjudge and determine where, how, and in what manner such particular Part or Parts of the said Road, Bridges, Drains, and Sewers aforesaid, shall from time to time be repaired and maintained by such Person or Persons, Body Politick or Corporate, County or Township therein, who are or shall be chargeable or liable to repair the same, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever.

Justices to determine the Repairs to be done by Tenure of Lands.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any or more of them, from time to time, during the continuance of this Act, to compound and agree with any of the said Person or Persons, Body Politick or Corporate, who is, are, or shall be liable or chargeable for or towards repairing of any particular Part or Parts of the said Road, Bridges, (except the said Bridges liable to be repaired by the said County where the same shall stand and be, which shall continue to be respectively repaired as aforesaid) Drains, or Sewers aforesaid, lying in and upon the same, for a certain Sum of Money by the Year, or otherwise, as the said Trustees, or any or more of them, shall think fit, in lieu of such particular Work or Repairs to be done by such particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, as aforesaid.

Trustees may compound for Repairs to be done by reason of Tenure

Provided also, and it is hereby enacted and declared, That if it shall appear to the said Trustees, or any or more of them, that any Lands, Tenements, or Hereditaments, or any Rents, Profits, or Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be liable or chargeable towards the repairing or amending any Part of the said Road by this Act, directed to be repaired, such Lands, Tenements, or Hereditaments, Rents, Profits, Sum

Lands, &c. chargeable to the Highways to continue so.

or Sums of Money, issuing as aforesaid, shall remain liable and chargeable and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees or any or more of them, shall appoint to receive the Tolls and Duties granted by this Act, and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any or more of them, by Warrant under their Hands and Seals, to the same by the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such and such Rents, Profits, Sum or Sums of Money when shall be applied from time to time, for and towards the amending the said Road, and to no other use or purpose whatsoever.

Persons chargeable to the Highways to continue so.

Provided always, and be it further **Enacted** by the Authority aforesaid, That all and every Person and Persons, who by Law are chargeable towards the repairing and amending the said Road, hereby intended to be repaired, shall still remain chargeable, and do their respective Work in the Parishes, Townships, or Places in which the said Road doth lie in such manner as he, she, or they ought to have done before the passing of this Act.

Inhabitants to perform Statute-Work.

And for preventing Differences which may arise touching what part of the Statute-work which ought to be done on the said Road by the several Inhabitants of the Townships, Parishes, Places, and Division through which the said Road doth lead; **Be it further Enacted** by the Authority aforesaid, That the said several and respective Inhabitants of the said Townships and Parishes, shall yearly and every Year (if thereunto required by the said Trustees appointed, or to be appointed to put this Act in Execution, or any or more of them, at any of their publick Meetings) do and perform of their Statute or Days-work on such Part of the said Road within their respective Parishes, and in such manner as the said Trustees, or any or more of them, or the Surveyor or Surveyors of the said Road by them appointed, shall appoint and require, any thing herein contained to the contrary notwithstanding.

Surveyors on Notice given them, shall summon Persons chargeable with Statute-Work.

And be it further **Enacted** by the Authority aforesaid, That the respective Surveyor or Surveyors of the said Road for the time being, of and every the Parish and Parishes, Townships or Places, in which the said Road intended to be repaired by this present Act, doth lie, shall within Days after Notice shall be given them, or either of them, by the Turnpike-Surveyor or Surveyors, of the time when and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Day's-work in or upon any Part or Part of the said Roads, shall summon or give publick Notice thereof to the Persons so chargeable as aforesaid; and if any Parish-Surveyor or Surveyors aforesaid, shall neglect or refuse to do as they are hereby required and directed to do, he or they for every such Neglect or Refusal, shall be liable to a fine of five Shillings; **And** if any Person or Person

Penalty on Surveyors Neglect so to do.

Penalty on Persons keeping a Team, &c. neglecting to do Statute-Work on the Road.

keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summon or publick Notice, neglect or refuse to send their respective Team Draughts, or Carts, (each Team or Cart not to contain less than Horses, with to attend the same) to do and perform such their respective Day's-work on the said Road, he, she, or they shall be liable to a fine of five Shillings for every Day's-work so neglected.

neglecting or refusing, shall respectively forfeit and pay the Sum of
 a Day for every Team, Draught, or Cart, making Default
 each of the respective Days; And if any Labourer or other Person or
 Persons so chargeable towards repairing the said Road, shall at any time
 neglect or refuse (after such Summons or publick Notice) to do and
 perform the said appointed Day's Work on the said Road, he, she, or
 they, shall respectively forfeit and pay the Sum of Penalty
on Labourers,
&c. Neglect. for each
 of the said Days such Labourer, or other Person or Persons shall make
 Default; And if any Person or Persons who shall (according to such
 Summons or publick Notice aforesaid) come to work as Labourers, or
 be sent with any Team, Draught, or Cart to work on the said Road,
 are found idle and negligent by the said Turnpike-Surveyor or Surveyors Persons found
idle may be
turned off, &c.
 respectively, where the Work is to be done; in such case the Turnpike-
 Surveyor or Surveyors may, and is and are hereby impowered and re-
 quired to remove and turn him or them off who shall be found idle and
 negligent as aforesaid, and it shall be esteemed and taken as if such
 Person or Persons had not come or sent any Team, Draught, or Cart
 to work on the said Road, and he, she, or they shall be subject or liable
 to the respective aforementioned, as if he, she,
 or they had neglected or refused to do or perform the said respective Day's
 Work so ordered and appointed as aforesaid.

Provided also, and be it further **Enacted** by the Authority aforesaid, Trustees may
compound
with Parishes,
&c. for Sta-
tute-Work.
 That it shall and may be lawful to and for the said Trustees, or any
 or more of them, from time to time during the continuance of this Act,
 to compound and agree with any of the Parishes or Townships to which
 the said Road belongs, or with any of the Possessors or Occupiers of
 such Lands, Tenements, or Hereditaments, as are or shall be liable or
 chargeable to the Repair of any Part of the said Road for a certain Sum
 of Money by or otherwise, as the said Trustees or any or
 more of them shall think reasonable, in lieu of the Statute or other
 Work to be done by such Parish or Parishes, Township or Townships,
 or by such Possessor or Possessors, Occupier or Occupiers of such Lands,
 Tenements, and Hereditaments chargeable as aforesaid.

And be it further **Enacted** by the Authority aforesaid, That the said Trustees may
compound
with Passen-
gers, &c.
 Trustees, or any or more of them may, and they are hereby im-
 powered from time to time, as they shall see convenient or think fit, to
 compound or agree by the Year or otherwise with any Person or Persons
 using or travelling through the Turnpike or Turnpikes to be erected on
 the said Road, with any Coach, Berlin, Landau, Chariot, Calash,
 Chaise, Chair, Waggon, Wain, Cart, or other Carriages, or with any
 Horse, Gelding, Mare, Ass, or Mule, for any Sum or Sums of Money
 to be paid from time to time, after such Agreement shall be
 made.

Provided always, and be it **Enacted** by the Authority aforesaid, That Composition-
Money how
to be reco-
vered.
 in case any Composition-Money agreed to be paid for passing through
 the said Turnpikes or Gates to be erected by virtue of this Act Toll-
 free, or in lieu of any Statute or Day's-work of the Inhabitants of any
 Parish, Township, or Hamlet, wherein the said Road doth lie, or in
 respect of any Lands, Tenements or Hereditaments, liable or chargeable
 by Tenure or otherwise as aforesaid, shall not be paid within
 Days next after the same shall become payable according to such Com-
 position or Agreement, that then it shall and may be lawful to and for
 the said Trustees or any or more of them, or any one or more
 Justice or Justices of the Peace of the said County of *Berks*, by
 Warrant

Warrant under his or their Hands and Seals, to empower the Person or Persons authorised by the said Trustees, or any or more of them, to receive such Composition-Money (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Trustees, or any or more of them, or the said Justice or Justices is and are hereby empowered and required to administer) and to the same by of the Goods of the Person or Persons so having compounded for passing through any of the Turnpikes Toll-free, or in lieu of any Statute-Day's Work, or for any Lands, Tenements, or Hereditaments liable or chargeable by Tenure or otherwise as aforesaid, or of the Surveyor or Surveyors of the Highways for the time being of such Parish, Township, or Hamlet, in respect of whose Statute or Day's Work such Composition shall be made, returning the Overplus (if any be) upon Demand, after the Charges of such thereout first deducted.

Surveyors, &c.
paying the
Composition-
Money to be
re-imburfed.

Provided also, and it is hereby further **Enacted** by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being, of any Parish, Township, or Hamlet, for or in lieu of whose Statute or Day's Work such Composition shall be made as aforesaid, shall pay the Composition-Money, or if such Composition-Money shall be

of his and their Goods and Chattels, in manner herein before directed, then and in either of the said Cases, such Surveyor or Surveyors shall be repaid, or reimbursed the Composition-Money which shall be so paid or recovered of him or them as aforesaid, together with the Costs and Charges of such in such manner as by the Laws now in being,

Surveyors of the Highways of this Kingdom, are to be repaid or reimbursed the Monies by them expended in buying Materials for mending the said Highways.

Persons ag-
grieved may
appeal to the
Quarter-Ses-
sions.

Provided always, and be it further **Enacted** by the Authority aforesaid, That in case any Person or Persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already hereby directed and appointed, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at their next General Quarter-Sessions of the Peace to be held for the said County of *Berks*, or in case the said Cause of Complaint shall arise within

Days next before such General Quarter-Sessions of the Peace then such Appeal may be made to the said Justices at the second General Quarter-Sessions of the Peace to be held for the said County of *Berks* who are hereby authorised and required to take Cognisance thereof and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and if they shall see cause shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the

laid or incurred by the Party or Parties complaining, or to vacate or set aside the Conviction or Convictions, and set the Parties at liberty, or otherwise may ratify and confirm the same with such Costs as to them in their Discretion shall seem reasonable, and to

by their Order or Warrants such Costs so awarded by of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; and for want of sufficient to commit the Party to for the said County of *Berks*, for any time not exceeding or until Payment of such Costs shall be

Appellant to
give Notice,

made; but the Person or Persons so appealing as aforesaid, shall an

are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the time being, of the Tolls and Duties granted by this Act, where the Offence was committed, of such their Intention of bringing or prosecuting any Appeal

Days before the said Quarter-Sessions, and shall within Days after such Notice given, enter into a Recognisance before some Justice of the Peace of the said County of *Berks*, with sufficient Sureties with condition to try such Appeal at the Quarter-Sessions of the Peace, which shall be held for the said County, next and immediately after bringing such Appeal, and also in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that behalf, and every such Appeal shall, at the then next General Quarter-Sessions, be there heard and finally determined.

And enter into Recognisance, &c.

and be it further Enacted, by the Authority aforesaid, That all by this Act imposed or incurred (touching which no other Provision is herein made) shall be of the Offenders Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of the said Trustees or any or more of them, or one or more Justice or Justices of the Peace for the said County, wherein the shall be incurred, or wherein the Offender or Offenders shall reside (which Warrant or Warrants the said Trustees, or any or more of them, or the said Justice or Justices of the Peace, is and are hereby empowered and required to grant upon the Information of one or more credible Witness or Witnesses upon Oath, (which Oath the said Trustees, or any or more of them, or the said Justice or Justices, is and are hereby empowered and required to administer without Fee or Reward) and the when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so (the Charges of such being first deducted) shall go and be paid to the said Trustees, or any or more of them, or to their Treasurer or Treasurers for the time being, and shall by them respectively be applied and laid out (if not otherwise applied and disposed of by this Act) for and towards the amending the Road intended to be repaired by virtue of this Act.

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further Enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or moveable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in any wise notwithstanding.

Proceedings not to be quashed for want of Form only.

Nor be removeable by *Certiorari*.

and be it further Enacted, by the Authority aforesaid, That the Tolls, Duties, and Powers hereby granted and given, shall take place from and after the

Commencement and Continuance of the Tolls.

and shall be paid and have Continuance from thence and during the Term of

: But if at any time before the expiration of the said Term of all the Roads hereby directed to be repaired shall be sufficiently amended, and so adjudged by the Justices of the Peace for the said County of *Berks*, at their General Quarter-Sessions to be holden for the said County of *Berks*, next after that then from and after such

If the Road shall be adjudged to be sufficiently repaired before the Expiration of this Act, Tolls to cease.

such Adjudication made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls or Duties hereby granted, with Interest for the same, and the Costs and Charges thereof, and of obtaining this present Act of Parliament, the aforesaid Tolls, Duties, and Powers hereby granted shall cease and determine, any thing herein contained to the contrary notwithstanding.

Justices may appoint Persons to inspect the Road.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace in the said County of *Berks*, at their General Quarter-Sessions to be holden in and for the said County, after the

Who shall inquire of the Application of the Tolls, and certify any Misapplication.

if they think fit to appoint one or more fit Person or Persons to survey and view the said ruinous Roads by this Act directed to be amended, and to inquire of and concerning the Application of the Tolls and Duties taken and received in pursuance of this Act: And in case such Person or Persons so appointed shall find any Misapplication of the Money collected, levied or raised by virtue of this Act, or any other Abuses of the Powers or Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace at their respective General Quarter-Sessions to be held for the said County of *Berks*, who are hereby authorized, empowered, and required to hear, examine, and finally to determine the same, without further or other Appeal: And all such Sum and Sums of Money, or other Satisfaction, as the said Justices at any Quarter-Sessions to be holden as aforesaid, or the

Part of them then present, shall think fit to order or direct to be paid or given, shall, by the Person or Persons making such Misapplication, or committing any such Abuses, and so ordered to pay or give, be paid or given to the Treasurer or Treasurers of the Turnpike for the time being, within Days next after such Determination, and Demand thereof made; and in Default thereof, it shall and may be lawful for the said Justices, at their next General Quarter-Sessions to be holden for the said County of *Berks*, or the Part of them then present, from time to time, after such Determination made, by Warrant to the same by

of the Offender's Goods, returning the Overplus (if any be) after deducting the Costs and Charges of such to the Person or Persons so neglecting to make such Payment or Satisfaction; and for want of sufficient to be found for that purpose, to the Person or Persons to

Trustees who are in the Commission of the Peace, may act as Justices.

And it is hereby further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for any or either of the said Trustee or Trustees, appointed or to be appointed to put this Act in Execution, who is, are, or shall be in the Commission of the Peace for the said County of *Berks*, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

When and where the Trustees are to meet,

And be it further Enacted, by the Authority aforesaid, That there shall be a Meeting of the said Trustees appointed to put this Act in Execution, or any or more of them, at

to choose a Clerk, and for other Purposes of this Act; and also shall and may then adjourn, and afterwards meet at the same or any other Place near the said Road, as the Trustees

Trustees, or any or more of them, shall think proper: And if it shall happen that there shall not appear at any Meeting appointed to be held by the said Trustees a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then the Clerk to the said Trustees shall, by Notice fixed on all the Turnpikes which shall be erected by virtue of this Act, at least Days before the next Meeting, appoint the said Trustees to meet at the same, or some other convenient Place, on that Day on which such last mentioned Meeting was appointed to be held: And that the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

And to defray their own Charges.

And for continuing a sufficient Number of Trustees to put this Act in Execution, Be it further Enacted, by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for such of the said Trustees as shall survive and remain, or any or more of them, by Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint one or more fit Person or Persons (qualified to act as a Trustee or Trustees, according to the Directions of this Act) in the Room or Place of such Trustee or Trustees so dying, removing, or refusing to act, and such Person or Persons so elected, nominated, and appointed, shall be joined with such surviving and remaining Trustees, in the Execution of all and every the Powers in them reposed by virtue of this Act: And Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees shall be given by the Clerk or Clerks of the said Trustees for the Time being, who is and are hereby required to fix, or cause to be fixed, such Notice in Writing at or on all the Turnpike-Gates which shall be erected by virtue of this Act, at least Days before the Meeting for such Election: And all and every such Person or Persons as shall be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and they are hereby authorized and empowered to act, to all Intents and Purposes, in as full, large, and ample manner as the said Trustees are by this Act authorized and empowered to act and do.

On Death, &c. of Trustees others to be chosen.

Ten Days Notice to be given of such Election.

Provided always, and be it further enacted and Declared, That no Person or Persons appointed or to be appointed by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of any Tolls or Duties by this Act laid or granted, but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further Enacted, That the said Trustees, or any more of them, shall and may order and direct the said Road to be measured, and cause Stones or Posts to be set up in or near the Sides of the said Road, at the distance of from one another, denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any or more of them, shall seem meet: And if any Person or Persons shall wilfully break, obliterate, deface, or pull up any of the said Stones or Posts, and be thereof convicted before the said Trustees, or any or more of them, or before any one or more Justice or Justices of the Peace for the said County of Berks, such Person or Persons so offending shall forfeit and pay the Sum of

OR Road to be measured and Mile-Stones erected.

Penalty on breaking or defacing them.

for each Stone or Post so wilfully broken, obliterated, defaced or pulled up, to be of the Goods and Chattels

To be levied by Distress and Sale.

tels of every such Offender, by Warrant under the Hands and Seals of the said Trustees or any or more of them, or under the Hand and Seal, or Hands and Seals of the Justice or Justices before whom such Conviction shall be made; such to be applied in repairing the Stones or Posts so broken up or defaced, or of supplying of new ones in their stead: And if there shall be any Overplus of such

And for want of Distress the Person to be committed.

the same shall be laid out in repairing the Road aforesaid: And in case the Person or Persons so offending and convicted shall have no Goods and Chattels, then it shall and may be lawful for the said Trustees, or any or more of them, or any one or more Justice or Justices of the Peace aforesaid, by Warrant under their Hands and Seals, or Hand and Seal, to such Person or Persons to for the said County of *Berks*, there to remain for the space of to be reckoned from the Day of and the Person or Persons shall not be discharged until he, she, or they shall have paid the said Sum of or until the Expiration of the said

Proceedings to be entered in a Book.

And it is hereby further enacted, by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that purpose, and such Orders so entered and signed by the said Trustees, or any or more of them, as the Case shall require, shall be deemed and taken to be original Orders, which said Book or Books, and also the said Book or Books, directed to be kept for registering the said Assignments and Leases as aforesaid, Transfers shall and may be produced and read in Evidence in all Cases of Appeals, Suits or Actions, touching any thing done in pursuance and by the Authority of this Act.

All Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees, for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justice of the Peace, or any of them, shall be charged or chargeable with any Stamp or Duty whatsoever.

Right of the Corporation of *Wallingford* to the Tolls of the Bridge reserved.

Provided also, and it is hereby declared, That nothing herein contained shall extend, or be construed to extend, to lessen, prejudice, or take away the Right of the Mayor, Burgesses and Commonalty of the Borough of *Wallingford*, or their Successors, or their Lessee or Lessees, to the Tolls and Duties paid or payable for Cattle or Goods passing or carried over *Wallingford-Bridge*, but that the said Mayor and Aldermen, and Assistants, and their Successors, shall and may have the same Right and Power to take and enjoy the said Tolls as fully and effectually, as if this Act had not been made: Nevertheless it shall and may be lawful for the said Trustees, or any or more of them, and they are hereby empowered to Rent, Farm, or take by Lease by the Year, or otherwise, for any Term or Time during the Term hereby granted, all the said Tolls and Duties, at any Sum not exceeding the yearly Sum of

Trustees may Farm the said Tolls.

: And that the said Trustees, or any or more of them, shall and may, if they see proper, diminish or totally abolish the said Tolls and Duties for Cattle or Goods passing or carried over the said

faid Bridge during the Term to them demised, and make the same a free Bridge.

Provided always, and be it further enacted by the Authority afore-
faid, That if any Action or Suit shall be brought or prosecuted against
any Person or Persons for any thing done or to be done in pursuance of
this Act, every such Action or Suit shall be commenced within

Limitation of
Actions.

next after the Fact committed, and not afterwards, and shall be
laid and brought in the said County of *Berks*, and not elsewhere; and
the Defendant or Defendants in such Action or Suit to be brought, shall
and may plead the General Issue, Not Guilty, and give this Act and the
special Matter in Evidence at any Trial to be had thereupon; and that
the same was done in pursuance of, and by the Authority of this Act;
and if the same shall appear to have been so done, or if any such Ac-
tion or Suit shall be brought after the Time before limited for bringing
the same, or shall be brought in any other County or Place, then, and
in such Case or Cases, the Jury shall find for the Defendant or Defen-
dants: Or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer
a Discontinuance of his, her, or their Action or Actions, after the De-
fendant or Defendants shall have appeared, or if a Verdict shall pass
against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be
given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall
have Costs, upon Affidavit made, or the Certificate of the Judge or
Judges before whom such Cause shall be tried, whereby it may appear
that such Suit was prosecuted against such Defendant or Defendants, for
Matters contained in this Act, and shall have such Remedy for the
same, as any Defendant or Defendants hath or have for Costs of Suit in
any other Case by Law.

General Issue.

Treble Costs.

and be it further enacted, by the Authority aforesaid, That in all
Cases wherein by this Act an Oath is required to be made and taken, the
solemn Affirmation of any Person being a Quaker, shall and may be ac-
cepted and taken in lieu thereof; and every Person making such Affirma-
tion, who shall be convicted of wilful and false Affirmation, shall incur
and suffer such and the same Pains, Penalties, and Forfeitures, as are in-
flicted and imposed by any Laws and Statutes of this Realm upon Per-
sons convicted of wilful and corrupt Perjury.

Quaker's Af-
firmation to
be taken in
lieu of an
O.th.

Provided always, and it is hereby further Enacted and Declared,
That the said Road from *Wallingford* to *Faringdon*, in the said County
of *Berks*, shall be deemed a Turnpike Road within the Intent and
Meaning of an Act passed the last Sessions of Parliament, Intituled, *An*
Act for the more effectual Preservation of the Turupike-Roads in that Part
of Great Britain called England, &c. and of all other Acts of Parliament
for the Preservation and Amendment of the publick Roads in this King-
dom, to all Intents and Purposes as much as if this present Act had
been previous in point of Time to the making of the said Act or Acts.

That this Act
to be deem'd
within the
Meaning of
the Act for the
Preservation
of the Turn-
pike Roads.

and be it further Enacted, by the Authority aforesaid, That this Act
shall be deemed, adjudged, and taken to be a Publick Act, and shall
be judicially taken notice of as such by all Judges, Justices, and other
Persons whatsoever, without specially pleading the same.

Publick Act.

**A BILL for repairing the Road
from Wallingford in the County
of Berks, through Wantage, to
Faringdon in the said County.**



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